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SEP 10 2001

OFFICE OF PETITIONS

In re Application of :
Dan W. Urry :
Application No. 09/841,321 : DECISION ON PETITION
Filed: April 23, 2001 :
Attorney Docket No. BERL-020/04U :

This is a decision on the petition, filed June 19, 2001, requesting that the above-identified application be accorded a filing date of April 23, 2001.

Application papers in the above-identified application were filed on April 23, 2001. However, on June 4, 2001, the Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

Petitioner asserts *inter alia* that the application was in fact filed with drawings, and that no further deposit of drawings is necessary to be entitled to a filing date. In support thereof, petitioner submitted a return receipt postcard identifying this application by attorney docket number and express mail label number, itemizing "Drawings: 6 sheets ... formal" as enclosed, bearing a United States Patent and Trademark Office date-stamp of April 23, 2001, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, the petition is GRANTED.

Given the basis for granting the petition, the petition fee has been refunded to Deposit Account No. 03-3117, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of April 23, 2001, using the application papers received in the Office on that date and the 6 sheets of drawings, figures 1-10 resubmitted on June 19, 2001. The application is also being forwarded to OIPE for consideration of the other items filed in response to the "Notice of Incomplete Nonprovisional Application" mailed June 4, 2001. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to Petitions Attorney Nancy Johnson at 703-305-0309.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan".

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy